

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

EARLE E. AUSHERMAN, et al.                   \*

                    Plaintiffs                    \*

                    vs.                            \* CIVIL ACTION NO. MJG-01-438

BANK OF AMERICA CORPORATION,           \*

et al.    \*

                    Defendants                   \*

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MEMORANDUM AND ORDER

The Court has before it the Motion to File Under Seal filed by Respondent Rodney R. Sweetland, III, and the materials submitted relating thereto. The Court finds that neither a response nor a hearing is necessary.

Respondent wishes to maintain confidentiality regarding certain attorney disciplinary proceedings pending in this Court.<sup>1</sup> However, the extent of the requested Sealing Order must be clarified.

In particular, Respondent must address the following matters:

1. What is to be sealed?
  - a. Defendants' papers filed heretofore already are on the public record and would not - it

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<sup>1</sup> The undersigned Judge is a member of the Court's Committee with jurisdiction over disciplinary matters, but has recused himself from participation in any aspect of Respondent's proceedings.

appears - reveal any confidential information.

- b. Inasmuch as the instant motion has been filed on the public record, Respondent has already made public disclosure of the existence of a disciplinary proceeding.
- c. Would the requested sealing relate only to Respondent's Motion for Extension of Time and documents filed hereafter disclosing confidential information regarding the disciplinary proceedings?

2. What about Defendants' counsel?

- a. Presumably, the Motion for Extension will be served on Defendants' counsel so that there can be a response.
- b. Should there be a restriction put upon Defendants' counsel?

The Court will grant the instant motion in part, so as to provide that the Motion for Extension and any responses thereto shall be filed under seal and maintained in confidence by counsel. The Court will, thereafter, determine the extent to which, if at all, further proceedings may be filed under seal.

For the forgoing reasons:

- 1. The Motion to File Under seal filed by Respondent Rodney R. Sweetland, III is GRANTED IN PART AND DENIED IN PART.
- 2. Respondent's Motion for Extension shall be FILED UNDER SEAL as shall any Response and Reply relating thereto.

3. Counsel shall maintain the confidentiality of the aforesaid sealed documents.

SO ORDERED, on Tuesday, February 10, 2004.

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/s/

Marvin J. Garbis  
United States District Judge